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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marion Elke Hofmann et al. Art Unit: 1653  
Serial No.: 09/445,362 Examiner: Carlson, K.  
Filed: May 15, 2000 Customer No.: 21559  
Title: MYOCARDIUM-AND SKELETAL MUSCLE-SPECIFIC NUCLEIC ACID,  
ITS PREPARATION AND USE

Assistant Commissioner For Patents  
Washington, DC 20231

PRELIMINARY AMENDMENT

Prior to examination, kindly amend the above-referenced application as follows.

In the Specification:

Insert the attached sequence listing at the end of the application.

Please replace the third full paragraph on page 3 with the following

paragraph re-written in clean form:

One aspect of the invention is therefore a nucleic acid coding for a polypeptide having an amino acid sequence as shown in Fig. 4 or a functional variant thereof, and parts thereof having at least 8 nucleotides, preferably at least 10 nucleotides, in particular at least 15 nucleotides, especially at least 20 nucleotides, except a nucleic acid having the sequence (SEQ ID NO: 6):

1 GCCAACACGC ANTCCGACGA CAGTGCAGCC ATGGTCATTG CAGAGATGCN TCAAAGTCAA  
61 TGAGCACATC ACCAACGTAA ACGTCGAGTC CAACTTCATA ACGGGAAAGG GGATCCTGGC  
121 CATCATGAGA GCTCTCCAGC ACAACACGGT GTCACGGAG CTGCGTTTCC ATAACCAGAG  
181 GCACATCATG GGCAGCCAGG TGGAAATGGA GATTGTCAAG CTNCTGAAGG AGAACACGAC  
241 GCTNCTGAGG CTGGGNTACC ATTTTNAACT CCCAGGACC

in which N denotes A, T, G or C.

Please replace the last paragraph beginning on page 3 and ending on page 4 of the specification with the following paragraph re-written in clean form: